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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|---|-------------|----------------------|-------------------------|-------------------------|--|
| 09/919,830 | 08/02/2001 | Hiroshi Nakaishi | Q65699 | 4336 | |
| 7590 07/26/2005 | | EXAMINER | | | |
| SUGHRUE, MION, ZINN, | | | CURS, NATHAN M | | |
| MACPEAK & SEAS 2100 Pennsylvania Avenue, N.W. | | | ART UNIT | PAPER NUMBER | |
| Washington, DC 20037 | | | 2633 | | |
| | | | DATE MAILED: 07/26/2005 | DATE MAILED: 07/26/2005 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | | |
|-----------------|-------------------|--|--|
| 09/919,830 | NAKAISHI, HIROSHI | | |
| Examiner | Art Unit | | |
| Nathan Curs | 2633 | | |

| | Nathan Curs | 2633 | |
|--|---|---|---|
| The MAILING DATE of this communication appe | ars on the cover sheet with the o | correspondence add | ress |
| THE REPLY FILED <u>23 June 2005</u> FAILS TO PLACE THIS APF | PLICATION IN CONDITION FOR A | LLOWANCE. | |
| 1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods: | n the same day as filing a Notice of wing replies: (1) an amendment, af otice of Appeal (with appeal fee) in | Appeal. To avoid aba fidavit, or other eviden compliance with 37 Cl | rce, which FR 41.31; or (3) |
| a) \boxtimes The period for reply expires 3 months from the mailing date | e of the final rejection. | | |
| b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I Examiner Note: If box 1 is checked, check either box (a) or | ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN TH | g date of the final rejection | on. |
| TWO MONTHS OF THE FINAL REJECTION. See MPEP 7 Extensions of time may be obtained under 37 CFR 1.136(a). The date | | 136(a) and the appropriat | te extension fee |
| have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) | tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da | of the fee. The appropri | ate extension fee ce action; or (2) as |
| NOTICE OF APPEAL | | | |
| The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed | nsion thereof (37 CFR 41.37(e)), to | o avoid dismissal of th | |
| AMENDMENTS | | | |
| The proposed amendment(s) filed after a final rejection, (a) They raise new issues that would require further co | | | ecause |
| (b) They raise the issue of new matter (see NOTE below | | TE below), | |
| (c) They are not deemed to place the application in be appeal; and/or | tter form for appeal by materially re | | the issues for |
| (d) They present additional claims without canceling a | . • | | |
| NOTE: <u>The proposed amendments to claims 1 ar</u> search. (See 37 CFR 1.116 and 41.33(a)). | | • | _ |
| 4. The amendments are not in compliance with 37 CFR 1.1 | | ompliant Amendment (| (PTOL-324). |
| 5. Applicant's reply has overcome the following rejection(s)6. Newly proposed or amended claim(s) would be a | • | timely filed amondme | nt cancaling the |
| non-allowable claim(s). 7. Solution For purposes of appeal, the proposed amendment(s): a) | • | · | |
| how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: | | in be entered and an e | Apianation of |
| Claim(s) objected to: | | | |
| Claim(s) rejected: <u>1-21</u> . Claim(s) withdrawn from consideration: | | | |
| AFFIDAVIT OR OTHER EVIDENCE | | | |
| The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). | d sufficient reasons why the affida | vit or other evidence is | necessary and |
| 9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar | overcome <u>all</u> rejections under appe y and was not earlier presented. S | al and/or appellant fai See 37 CFR 41.33(d)(1 | ls to provide a i). |
| 10. The affidavit or other evidence is entered. An explanation of the control | n of the status of the claims after e | entry is below or attach | ned. |
| 11. The request for reconsideration has been considered by | ut does NOT place the application i | n condition for allowar | nce because: |
| 12. Note the attached Information Disclosure Statement(s). 13. Other: | (PTO/SB/08 or PTO-1449) Paper I | No(s) | |
| | | | |
| | JASON CHAN | | |
| | THE PROPERTY DATENT L | (AMINER -2600 | |
| S. Patent and Trademark Office TOL-303 (Rev. 4-05) Advisory Action Before | TECHNOLOGY CENTER the Filing of an Appeal Brief | Part of Pa | per No. 20050718 |

U.S. Patent and Trademark Office PTOL-303 (Rev. 4-05)

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